

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7526

BILL NUMBER: HB 1744

NOTE PREPARED: Jan 12, 2003

BILL AMENDED:

SUBJECT: Medical Malpractice.

FIRST AUTHOR: Rep. Scholer

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill permits a patient who has filed a malpractice claim to employ a lay advocate to assist in the presentation of medical evidence to the medical review panel. It provides that a patient may bring a malpractice action without first submitting a claim to the medical review panel if the patient seeks less than \$50,000 in damages. It adds two lay members to the medical review panel and provides that the chairperson of the medical review panel shall select the lay members from a jury panel. The bill also provides that lay members of the medical review panel are entitled to a per diem of \$100, subject to a \$1,000 cap.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill requires the chairperson of a medical review panel to select two additional members from a jury panel. Local units are required to pay jurors that are in actual attendance mileage and \$15 per day until they are either selected or refused. According to the Department of Insurance, medical review panels are frequently requested to be set up, however, actual numbers were not available. The fiscal impact of this bill is dependent on how often a jury panel must be summoned and the length of time a chairperson spends choosing the two lay members. The fiscal impact may be lessened if medical review panels are requested less frequently because fewer claims are submitted due to the increased damage limit of \$50,000.

The bill also provides that lay members of a medical review panel are entitled to a per diem of \$100, subject to a \$1,000 cap. This provision will have no fiscal impact as the per diem is to be paid by the parties involved with the claim.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Circuit Courts.

Information Sources: Department of Insurance.

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